

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 14-15, 2005

Reference No.: 2.1c.(6)
Action Item

From: CINDY McKIM
Chief Financial Officer

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Division Chief
Transportation Programming

Ref: **TRAFFIC CONGESTION RELIEF PROGRAM (TCRP) LETTER OF NO PREJUDICE
APPROVALS
RESOLUTION TL-05-04**

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) approve the attached resolution for five AB 1335 Letter of No Prejudice (LONP) requests totaling \$182,188,000.

BACKGROUND:

Government Code Section 14556.33 allows an applicant agency, that is either a regional or local entity, to seek approval of an LONP. If approved by the Commission, the LONP allows the applicant agency to expend its own funds for any component of the transportation project and to seek allocation and reimbursement from the Traffic Congestion Relief Fund in future years. On August 14, 2003, the Commission approved Resolution G-03-12 adopting the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program.

As of November 2005, the Commission has approved a total of \$510,357,000 for 22 LONP requests and has allocated \$101,857,000 to liquidate five approved LONP requests. The following table summarizes this information, as well as those LONP requests anticipating approval. The amounts are shown in the fiscal year of completion for phases of work with an approved or requested LONP:

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Previously Approved Amounts	\$116,355,000*	\$30,684,000	\$179,704,000	\$0	\$16,700,000	\$166,914,000
Current Proposed Amounts	\$0	\$750,000	\$1,790,000	\$170,000,000	\$9,648,000	\$0
Amount Allocated for Liquidation	-\$101,857,000	\$0	\$0	\$0	\$0	\$0
Totals to Date	\$14,498,000	\$31,434,000	\$181,494,000	\$170,000,000	\$26,348,000	\$166,914,000

*Amount adjusted in accordance with October 2005 Progress Report.

CALIFORNIA TRANSPORTATION COMMISSION
Approval of Traffic Congestion Relief Program
Letters of No Prejudice

RESOLUTION TL-05-04

- 1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as “statute”), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing \$5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and
- 1.2 WHEREAS in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief Program (TCRP); and
- 1.3 WHEREAS Government Code Section 14556.33, established by Chapter 908 (AB1335) of the Statutes of 2001 allows the California Transportation Commission (Commission) to establish guidelines regarding AB 1335 Letter of No Prejudice (LONP) approval for lead applicant agencies allowing the regional or local entity to expend its own funds for any component of said agency’s TCRP project; and
- 1.4 WHEREAS on August 14, 2003, the Commission adopted the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program (Guidelines), allowing applicant agencies to seek alternate sources of funding under Resolution G-03-12; and
- 1.5 WHEREAS within the LONP request, the applicant agencies identify the alternate local funds that will be substituted for TCRP funds and provide a demonstration that the stated alternate funds are available; and
- 1.6 WHEREAS those LONP requests for construction or procurement phase of a project that expands or extends transit service (rail, bus, or ferry), are accompanied by demonstration by applicant agency of financial capability to operate the expanded service once the project has been completed; and
- 1.7 WHEREAS those LONP requests for capital phases (right of way and/or construction) are accompanied by documentation of Commission review of the Final Environmental Document, as appropriate, and approval for consideration of future funding; and
- 1.8 WHEREAS the Commission, with assistance from the Department, has reviewed and finds the following submitted TCRP project LONP requests to comply with the statute and guidelines.
- 2.1 NOW THEREFORE BE IT RESOLVED the Commission does hereby approve the following five Traffic Congestion Relief Program LONP requests totaling \$182,188,000 as submitted, with subsequent clarifications and revisions:
 - Project #1.2 – \$170,000,000 for Plans, Specifications, and Estimates (PS&E), for BART Extension from Warm Springs to downtown San Jose.
Applicant Agency: Santa Clara Valley Transportation Authority
Alternate Funds: Measure A

- Project #51 – \$1,790,000 for Construction, for Route 101/405; add auxiliary lane and widen ramp through freeway interchange in Sherman Oaks.
Applicant Agency: Los Angeles County Metropolitan Transportation Authority (LACMTA)
Alternate Funds: Proposition C
- Project #52 – \$9,648,000 for Construction, for Route 405; add HOV and auxiliary lanes for one mile from Waterford Ave. to Route 10.
Applicant Agency: LACMTA
Alternate Funds: Proposition C
- Project #53 – \$500,000 for Construction, for Automated Signal Corridors (ATSAC).
Applicant Agency: City of Los Angeles Department of Transportation
Alternate Funds: City of Los Angeles funds
- Project #59 – \$250,000 for PS&E, for Route 10; Reconstruct and widen I-10/Live Oak Canyon Road Interchange.
Applicant Agency: San Bernardino Associated Governments
Alternate Funds: City of Yucaipa funds;
and

- 2.2 BE IT FURTHER RESOLVED that all conditions stipulated at time of application and/or application amendment approval are still in effect; and
- 2.3 BE IT FURTHER RESOLVED that agencies proceed at their own risk and that reimbursement is dependent on availability of TCRP funding; and
- 2.4 BE IT FURTHER RESOLVED that within six months following this date, the agency shall report to the Department on progress in executing agreements and third-party contracts needed to execute the work on the phase(s) covered by the approved LONP; and
- 2.5 BE IT FURTHER RESOLVED that upon completion of the phase(s) of a LONP approved by the Commission, the lead applicant agency may request to have its LONP liquidated with an allocation by the Commission, or at the Commission's direction by the Department; and
- 2.6 BE IT FURTHER RESOLVED that reimbursement of eligible costs is subject to the policies, restrictions and assurances as set forth in the Commission's policy for allocating, monitoring, and auditing TCRP projects, and is governed by the terms and conditions of the Fund Transfer Agreement, Program Supplement or Cooperative Agreement, and subsequent amendments to the same if required, as executed between the Implementing Agency and the Department; and
- 2.7 BE IT FURTHER RESOLVED that it is the responsibility of the lead applicant agency to disperse funds to all contributors of the alternate local funds.